

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zev Carter	Team: Squad #3	CCRB Case #: 201802003	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 02/11/2018 7:00 PM	Location of Incident: § 87(2)(b)	Precinct: 60	18 Mo. SOL 8/11/2019	EO SOL 8/11/2019	
Date/Time CV Reported Wed, 03/14/2018 12:47 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/14/2018 12:47 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Alexa Fraserdillon	22215	962412	060 PCT
2. POM Joseph Manfra	24896	957802	060 PCT
3. POF Nicole Fox	22143	962410	060 PCT
4. POF Ananda Mirandamessner	06066	958938	060 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Nicole Fox	Abuse: Police Officer Nicole Fox entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.POF Ananda Mirandamessner	Abuse: Police Officer Ananda Mirandamessner entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.POF Ananda Mirandamessner	Force: Police Officer Ananda Mirandamessner used physical force against § 87(2)(b)	§ 87(2)(b)
D.POF Ananda Mirandamessner	Off. Language: Police Officer Ananda Mirandamessner made remarks to § 87(2)(b) based on her perceived mental state.	§ 87(2)(b)
E.POF Nicole Fox	Force: Police Officer Nicole Fox used physical force against § 87(2)(b)	§ 87(2)(b)
F.POF Ananda Mirandamessner	Force: Police Officer Ananda Mirandamessner used physical force against § 87(2)(b)	§ 87(2)(b)
G.POF Ananda Mirandamessner	Force: Police Officer Ananda Mirandamessner used physical force against § 87(2)(b)	§ 87(2)(b)
H.POF Nicole Fox	Abuse: Police Officer Nicole Fox forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
I.POF Ananda Mirandamessner	Abuse: Police Officer Ananda Mirandamessner forcibly removed § 87(2)(b) to the hospital	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On March 14, 2018, § 87(2)(b) filed this complaint with the CCRB over the phone:

On February 11, 2018, at approximately 7:00 p.m., § 87(2)(b) was inside of her apartment at § 87(2)(b) in Brooklyn with her son, § 87(2)(b), her daughter-in-law, § 87(2)(b), and her landlord, § 87(2)(b). § 87(2)(b) was involved in a dispute with her son and daughter-in-law, who called the police. Police Officer Nicole Fox and Police Officer Ananda Mirandamessner of the 60th Precinct entered § 87(2)(b) apartment (**Allegation A: Abuse of Authority, § 87(2)(g)**; **Allegation B: Abuse of Authority, § 87(2)(g)**). PO Mirandamessner shook § 87(2)(b) from side to side after she handcuffed her and called her “crazy” (**Allegation C: Force, § 87(2)(g)**; **Allegation D: Offensive Language, § 87(2)(g)**). PO Fox and PO Mirandamessner dragged § 87(2)(b) out of the apartment (**Allegation E: Force, § 87(2)(g)**; **Allegation F: Force, § 87(2)(g)**). PO Mirandamessner threw § 87(2)(b) into an ambulance (**Allegation G: Force, § 87(2)(g)**). PO Fox and PO Mirandamessner forcibly removed § 87(2)(b) to the hospital (**Allegation H: Abuse of Authority, § 87(2)(g)**; **Allegation I: Abuse of Authority, § 87(2)(g)**). § 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

This case does not contain video evidence. § 87(2)(b) and § 87(2)(b) were unavailable to the investigation.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Nicole Fox entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Police Officer Ananda Mirandamessner entered § 87(2)(b) in Brooklyn.

Allegation (C) Force: Police Officer Ananda Mirandamessner used physical force against § 87(2)(b)

Allegation (D) Offensive Language: Police Officer Ananda Mirandamessner made remarks to § 87(2)(b) based on her perceived mental state.

Allegation (E) Force: Police Officer Nicole Fox used physical force against § 87(2)(b)

Allegation (F) Force: Police Officer Ananda Mirandamessner used physical force against § 87(2)(b)

Allegation (G) Force: Police Officer Ananda Mirandamessner used physical force against § 87(2)(b)

Allegation (H) Abuse of Authority: Police Officer Nicole Fox forcibly removed § 87(2)(b) to the hospital.

Allegation (I) Abuse of Authority: Police Officer Ananda Mirandamessner forcibly removed § 87(2)(b) to the hospital.

During her interview, § 87(2)(b) stated that she did not recall much about the incident. In her initial phone statement, § 87(2)(b) stated that she did not remember very much about the incident because she was stressed and semi-conscious.

§ 87(2)(b) and § 87(2)(b) stated that on the night of February 11, 2018, § 87(2)(b) threw water in § 87(2)(b) face (01, 02 Board Review). In response, § 87(2)(b) threw water in § 87(2)(b)'s face. § 87(2)(b) slapped the cup out of § 87(2)(b) hand and the cup hit § 87(2)(b) on the side of his head. § 87(2)(b) stated that in response, she started to yell hysterically as if someone was killing her. § 87(2)(b) altercation with § 87(2)(b) never turned physical.

§ 87(2)(b) and § 87(2)(b) stated that § 87(2)(b) son, threw § 87(2)(b) on the bed and called the police.

§ 87(2)(b) stated that after § 87(2)(b) made the phone call, there was a knock on the door. § 87(2)(b) opened the door and was met by five or six uniformed officers. The officers entered the apartment without asking for permission. § 87(2)(b) moved out of the way as officers walked into the apartment. He did not make any statements to the officers indicating that he did not want them inside of the apartment. Officers called § 87(2)(b) out of her bedroom. § 87(2)(b) sat down on the couch in the living room and attempted to explain what happened. § 87(2)(b) could not speak to the officers in proper English. An officer then grabbed § 87(2)(b) by the arm and stated, "You know what? You are crazy." A second officer helped put § 87(2)(b) in handcuffs. § 87(2)(b) did not provide any testimony about how § 87(2)(b) was removed from the apartment. He noticed that § 87(2)(b) had been brought out of the apartment with only one slipper on and returned to her bedroom to fetch her the other slipper. By the time that § 87(2)(b) went outside, § 87(2)(b) had already been placed inside a police vehicle.

§ 87(2)(b) stated that she did not witness officers enter the apartment because she was in her bedroom. From inside of her bedroom, she heard officers speaking with her son in English. She could not understand what they were saying. Officers entered her bedroom and did not attempt to figure out what had happened before they arrived. § 87(2)(b) only had one minute to gather herself before an officer twisted § 87(2)(b)'s arms behind her back, placed her in handcuffs, and then forcefully shook her arms and moved her from side to side. This officer then called § 87(2)(b) "crazy." § 87(2)(b) was removed from her bedroom. Officers took § 87(2)(b) out of her apartment so quickly that she was unable to fully keep up with the officers' pace, and had to walk on her tiptoes. When she was taken downstairs, officers threw § 87(2)(b) into a vehicle as though she were a "brick of wood."

§ 87(2)(b) stated that once she was thrown into a vehicle, she was brought to § 87(2)(b). She was never informed that she was being taken to the hospital, but she may have been told and not have understood due to her condition at the time.

PO Fox and PO Mirandamessner both stated that they were first notified of this incident from a radio run about a woman who was acting violently toward her family **(03, 04 Board Review)**. Both officers stated that they were the first unit on scene.

PO Fraserdillon and PO Manfra stated that they arrived at the location as backup for an emotionally disturbed person call **(05, 06 Board Review)**.

PO Mirandamessner and PO Fraserdillon stated that § 87(2)(b) met the officers at the door to the apartment. PO Fraserdillon did not specifically recall being invited or barred from entering the apartment. § 87(2)(b) told the officers that his mother was drinking, throwing water at the apartment's occupants and hitting them. PO Fox stated that she knocked on the door to § 87(2)(b) apartment and was given permission to enter, but she did not recall who was at the door. Upon entering, PO Mirandamessner said that § 87(2)(b) said, "Come in, come in, come in." § 87(2)(b) also told the officers, "I don't know what's wrong with her. She's acting crazy."

PO Fox and PO Mirandamessner stated that § 87(2)(b) son and daughter-in-law confirmed allegations that § 87(2)(b) had been acting violent. PO Fox believed § 87(2)(b) had also been pushing people and throwing water. PO Fox and PO Manfra stated that § 87(2)(b) was yelling when they arrived, but neither officer could recall what she was saying. PO Manfra stated that § 87(2)(b) was speaking in "broken English" and conversing with other residents in a language he did not understand.

PO Mirandamessner stated that EMS attempted to speak with § 87(2)(b) as she became combative. EMTs attempted to calm her so that she would walk willingly, but they did not make any assessment of § 87(2)(b) on the scene. PO Mirandamessner attempted to convince § 87(2)(b) to go to the hospital. § 87(2)(b) appeared to understand what was said to her. PO Mirandamessner, PO Manfra, and PO Fox stated that an odor of alcohol on § 87(2)(b) led them to believe that she was intoxicated. PO Fox believed that § 87(2)(b) acknowledged that she had been drinking.

PO Mirandamessner stated that § 87(2)(b) was treated as an emotionally disturbed person from the officers' arrival at the location, and regardless of what happened, § 87(2)(b) would have been transported to the hospital. PO Mirandamessner believed that § 87(2)(b) was a danger to herself or others because she observed water all over the floor, because § 87(2)(b) told officers that § 87(2)(b) had been hitting them, and because § 87(2)(b) threw a cup at § 87(2)(b) head. Additionally, PO Mirandamessner did not know who made the decision to remove § 87(2)(b) to the hospital.

PO Fox stated that she did not recall the details of the conversation between EMS personnel and § 87(2)(b). She did not recall if EMS personnel assessed § 87(2)(b) or if she had any discussion with EMS about § 87(2)(b) mental state. She could not recall any conversation she had with other officers about whether to remove § 87(2)(b) to the hospital. When asked if she believed if § 87(2)(b) was a danger to herself or others, PO Fox stated that she believed § 87(2)(b) was "acting very erratic" and that "she was definitely intoxicated and needed to go to the

hospital.” PO Fox did not recall if an officer made the decision to remove § 87(2)(b) to the hospital.

PO Fraserdillon stated that she did not know why § 87(2)(b) was being taken to the hospital. She had no discussion with other officers on scene about taking § 87(2)(b) to the hospital, and did not recall who made the decision to take § 87(2)(b) to the hospital. PO Fraserdillon believed that § 87(2)(b) was a threat to herself and to others based on her “erratic” behavior and her yelling.

PO Manfra stated that he had no participation in determining whether § 87(2)(b) was emotionally disturbed, but her rambling speech, broken English, “irate” attitude, and flailing arms led him to believe that she was emotionally-disturbed. PO Manfra did not observe § 87(2)(b) say anything that led him to believe that she was a threat to herself or to others. He did not discuss whether § 87(2)(b) was emotionally disturbed with other officers.

Each officer denied calling § 87(2)(b) “crazy.” None of the officers witnessed their fellow officers call § 87(2)(b) “crazy.”

PO Fox and PO Mirandamessner stated that § 87(2)(b) was initially compliant and agreed to go to the hospital. She went to her room, where she undressed completely. The female officers followed § 87(2)(b) to her room. PO Mirandamessner stated that § 87(2)(b) dressed herself slowly, taking approximately 20 minutes to change. After she dressed herself, § 87(2)(b) stated that she was not going to go to the hospital. § 87(2)(b) came to the door of her bedroom, and PO Mirandamessner tried to put her hand on § 87(2)(b) back to guide her out of the apartment. § 87(2)(b) then began to fight in the doorway to her bedroom. § 87(2)(b) “chopped” at PO Mirandamessner’s hand and moved her arms. PO Mirandamessner and PO Fox stated that officers had to grab her arms and put them behind her back. PO Mirandamessner did not have to use any other force to get § 87(2)(b) to comply. § 87(2)(b) was handcuffed.

PO Fox and PO Mirandamessner physically escorted § 87(2)(b) out of the apartment. As § 87(2)(b) was just outside of her apartment door, she put on “dead weight.” The officers pulled her back up and instructed her to stop. Thereafter, § 87(2)(b) walked with the officers to the ambulance. PO Mirandamessner stated that officers had their arms under § 87(2)(b) arms, and walked with her, supporting her weight. Each officer denied dragging § 87(2)(b) out of the apartment and none stated that they witnessed an officer do so.

PO Fox stated that § 87(2)(b) was placed into an ambulance by PO Mirandamessner. PO Mirandamessner helped § 87(2)(b) into the ambulance from inside of the vehicle. PO Mirandamessner stated that due to the height of the ambulance, this would have been “almost impossible” to do. Each officer denied throwing § 87(2)(b) into the ambulance. None witnessed any other officer do so.

PO Mirandamessner stated that it was EMS placed § 87(2)(b) into the ambulance. § 87(2)(b) did not resist EMS and they did not have to use any type of force to get her into the ambulance.

After reaching street level, PO Fraserdillon and PO Manfra went to their vehicle. Neither officer witnessed § 87(2)(b) be thrown into an ambulance.

There were two events created for this case (**14 Board Review**). The first event, created by a 911 call at 4:42 p.m., reported a § 87(2)(b)-old intoxicated female. It was cancelled shortly thereafter. A second event was created at 7:18 p.m. The information provided in the event, paraphrased, is as follows: A male caller states that he is in a dispute with his mother, who is possibly mentally-ill. She is not violent, and there are no weapons or injuries. She was running around with water pouring it on everyone.

§ 87(2)(b) and § 87(2)(b) the EMTs who responded to this incident, were interviewed (**07, 08 Board Review**). Neither EMT had any recollection of the event.

§ 87(2)(b) medical records from § 87(2)(b) can be seen in **09 Board Review**. In the Prehospital Care Report Summary, “behavioral disorder” was noted under the section labeled “provider impression.” No additional information about § 87(2)(b) mental state was noted on the report. At the hospital, § 87(2)(b) attending physician wrote that she was “emotionally upset” and had 1-2 glasses of wine. § 87(2)(b) psychiatric/behavioral review stated that she was “positive for agitation and behavioral problems. Negative for confusion, hallucinations, self-injury and suicidal ideas.” The physician wrote that § 87(2)(b) was “nervous/anxious.” Nowhere in the medical records obtained by the CCRB is § 87(2)(b) said to be violent or threatening.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g) [Redacted]
[Redacted]

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]

NYPD Patrol Guide Procedure 221-13 defines an emotionally-disturbed person as someone “who appears to be mentally ill or temporarily deranged and is conducting [themselves] in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others” **(10 Board Review)**. Officers are instructed to remove emotionally disturbed persons to the hospital in an ambulance.

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

§ 87(4-b), § 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]

[Redacted]
[Redacted]

[Redacted]
[Redacted]

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party.

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- PO Fraserdillon has been a member of service for two years and this is the first CCRB complaint to which she has been a subject.
- PO Manfra has been a member of service for four years and has been a subject in three CCRB complaints and four allegations.
 - § 87(4-b), § 87(2)(g)
- PO Fox has been a member of service for two years and this is the first CCRB complaint to which she has been a subject.
- PO Mirandamessner has been a member of service for three years and has been a subject in four cases and eight allegations, none of which were substantiated.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this case.
- A FOIL request for a notice of claim regarding this incident was submitted on February 6, 2019 and will be added to the case file upon receipt.
- According to a BADS search made on February 6, 2019, § 87(2)(b) does not have a history of arrest in New York City.

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date